



CITY OF HAYWARD
AGENDA REPORT

Meeting Date 01/08/04
Agenda Item 2

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: **Use Permit No. PL-2003-0638** – Eddy Reyes (Applicant)/Everett Eslinger (Owner) – Request to Operate a Tattoo Parlor

The Property is Located at 27655 Mission Boulevard in the General Commercial (CG) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines Section 15301, Class 1, Existing Facilities; and
2. Approve the application subject to the attached findings and conditions of approval

DISCUSSION:

The applicant proposes a tattoo parlor in an existing 550 square-foot tenant space, within a 2,095-square-foot, Spanish style, one-story, three-tenant commercial office building built in 1964. LP Business Center and Courtesy Driving School also occupy the building. Alta Vista Veterinary Clinic is located immediately to the south and shares a common driveway and a rear parking lot with the subject building. A ceramic tile store is to the north, and a single-family home and a used auto dealership are to the east, across Mission Boulevard. These properties are in the *General Commercial District*. Single-family homes are located to the rear of the property in the *Single-Family Residential District*.

The building has three parking spaces in the front and eight parking spaces to the rear which serve three tenants which and meets City parking standards. The addition of a tattoo parlor is expected to generate very few vehicle trips and does not create noise. The operation is not anticipated to impact the surrounding neighborhood.

Project Description

The applicant, Mr. Reyes, will be the sole operator of the tattoo parlor; no others will be employed. He worked for Vision Tattoos in San Jose for six years. In addition, the Planning Commission approved a conditional use permit on April 9, 2002, to operate Secret Sidewalk, his

tattoo parlor at 353 West Tennyson Road in a small five-tenant shopping center. He operated the business at this location until recently. He proposes to relocate the business from West Tennyson Road to this location. The Police Department has not received calls for service at the West Tennyson Road location and is not concerned with a new tattoo parlor operating at the proposed location.

The proposed hours of operation are from 12:30 pm to 10:00 pm Monday through Saturday, by appointment only. The applicant expects to serve an average of three customers daily. As a condition of approval, the applicant will require all customers to verify that they are 18 years of age or older and it will be posted that "No persons under the age of 18 years are permitted on the premises."

In order to operate a tattoo parlor in Alameda County, all applicants are required to submit applications to Alameda County Department of Environmental Health. As part of the application process, a designated medical waste hauler to dispose of the needles used for the procedures is required to be disclosed. All tattoo artists must be 18 years of age at the time of application. In addition, applicants must provide proof of vaccination or evidence of immunity of Hepatitis B or provide a certificate of vaccination declination for HBV. Furthermore, proof of completion of a Local Enforcement Agency approved health and safety class is required to be provided. All applicants must demonstrate, by examination, knowledge of basic tattooing techniques, health and safety precautions, and sanitation and sterilization techniques designed to prevent cross contamination.

A tattoo parlor is listed as a conditional use in the General Commercial District. Conditional approval is required to assure that this use is permitted where there is a community need, to assure that the use is harmony with the area, and is in accordance with City policies. Staff is of the opinion that the tattoo parlor will provide a service that will be used by the residents of Hayward. In addition, the tattoo parlor is compatible with the uses in the building, the surrounding commercial uses as well as the surrounding neighborhood. All conditions of approval are required to be completed before the onset of business, including replanting the small planters in front of the building, eliminating weeds along the side building wall, and bringing signs into conformance with the City's Sign Regulations. This includes removal of the sign advertising the business from the pole sign as pole signs are no longer permitted. This will assure that the operation of the tattoo parlor will be compatible with surrounding uses and City policies.

The General Policies Plan Map designates this property as *Commercial/High Density Residential* (CHD). This designation is used to indicate areas where office and retail uses are encouraged and reflects the variety of land uses. These areas along major arterials that are commercially zoned but vacant or underutilized may be appropriate for high-density residential use or mixed commercial/residential use. The Mission-Garin Neighborhood Plan recognizes that a range of non-related uses exists along the Mission Boulevard Corridor. The proposed use meets the criteria as described in the neighborhood plan and the General Plan.

Environmental Review:

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, Existing Facilities.

Public Notice:

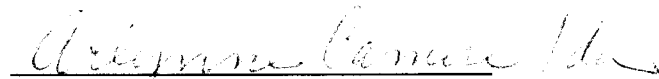
On November 8, 2003, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Mission-Garin Neighborhood Plan Task Forces members, the Briarwood Homeowner Association and the Alta Vista Improvement Committee. Staff received one call and an email in opposition to the tattoo parlor from the Alta Vista Veterinary Clinic located to the north (Attachment C). The clinic staff is concerned with the tattoo parlor attracting individuals who may be inclined to break into the clinic to steal animal pharmaceuticals. In addition, they are concerned with people loitering on site, which may upset their customers. However, the Police Department is not concerned locating a tattoo parlor adjacent to the clinic. Please note that the applicant will be required to install outdoor security lighting that will be left on at night.

On December 28, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed.

CONCLUSION:

The use is compatible with the General Plan, the zoning district and the Mission-Garin Neighborhood Plan. It will generate few vehicle trips and will not create noise. It is the opinion of staff that it will have little or no impact on the adjacent commercial establishments or residential properties.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

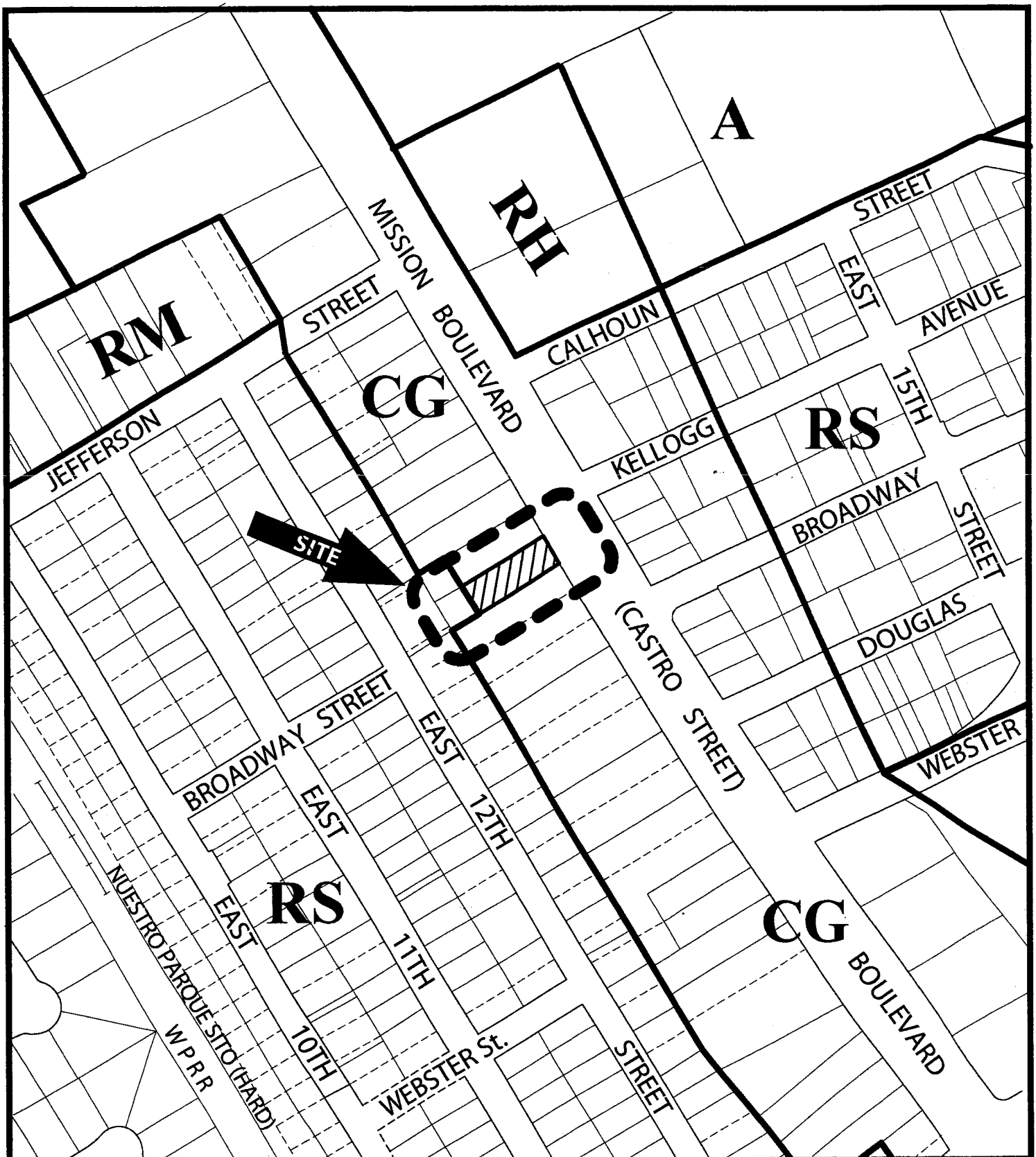
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
 - B. Site Photos
 - C. Email in Opposition
 - D. Findings for Approval for Use Permit.
 - E. Conditions for Approval for Use Permit
- Plans



Area & Zoning Map

PL-2003-0638 UP

Address: 27655 Mission Blvd.

Applicant: Eddy Reyes

Owner: Everett Eslinger, Sr.

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CG-General Commercial

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6





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Alta Vista Veterinary Clinic
27641 Mission Blvd.
Hayward, Ca 94544
(510) 537-3562
Fax (510) 537-0152

January 2, 2004

To Whom It May Concern:

My name is Christine Bowman and I am the office manager of Alta Vista Veterinary Clinic located at 27641 Mission Blvd in Hayward, Ca. I am writing this letter courtesy of Dr. Budde, the owner and the rest of the Alta Vista Veterinary Clinic staff. This is regarding a tattoo shop being located next door to our facility. These are our concerns:

1.) LOITERING- We are already located next to a liquor store and have had multiple problems with loitering. They sit on the stoop in front of our business (the only way that clients can enter our facility) and all along the sides of our buildings. The people that we deal with now sit and drink on our property and our staff has to routinely, almost daily, ask them to move. We have had to contact the police department multiple times because of loiterers causing problems with our parking areas, disturbing our clients and it just does not look professional to have people loitering in front of a hospital.

2.) PARKING- We already have complaints from our clients that there is not enough parking. We have 3 places in front of our building. There are 3 places in front of the building where the tattoo parlor would possibly reside. There are also 3 businesses on their side. That only leaves one per business for in front of the business area. There are a TOTAL of 9 spaces behind our business and the three businesses that are next to us. Since there are four businesses that only leaves about 2-3 parking spots per business back there. All of this parking mentioned above also has to include the staff of the businesses. We have the three spots up front for our clients and the other spots we have on our side are for our staff. I would assume that the 3 businesses next door would have more than one employee on staff and one customer. This in turn will spill over into our already limited parking.

We have also had problems with theft and burglary. There have been many occasions where our hospital has tried to be broken into and the staff's cars have been broken into multiple times. Again, we have had to contact the police department to make complaints.

We do not think that it is professional to have loiterers in front of our hospital. Our clients constantly complain already of the people sitting around all the time. We also have a back area behind our building and where the tattoo parlor will be that is very hard to see from the street. Most of the staff is already scared to go back there because of people wandering around all the time that are not using any of the businesses. We have just spent a lot of money to put in new security lighting because of the security problems we have already with the loiterers.

ATTACHMENT C

We feel very strongly that a tattoo parlor will increase the number of loiterers in front of our business and the neighboring business. Over 80% of our staff has tattoos and we have all been to tattoo shops to get them. We all go with friends and you usually wait outside or go in and out while you are waiting. We all agree that out off all the shops we have been to spanning from San Francisco to Morgan Hill, there have been no tattoo shops even close to any tattoo shop.

We want to petition this business being put in next to our facility. We do not feel that it is professional to have this type of business next to ours and would request that they apply for business somewhere other than next to a hospital that already has problems with loitering that we are continually trying to take on.

If you have any questions or concerns, please feel free to contact me directly.

As a note: I did have a much more detailed letter that the City Planner had received, reviewed and spoke to my receptionist about. After that she said she lost the email and needed me to email again. I have emailed it 3 times to the same email address that I did the first one and received notification today that she has not received any of them. I was called and said that if I wanted this in the report they needed it in one hour. If you would like a copy of the original more detailed letter, I would be more than happy to provide you with that. We do not have Internet access at work so I wrote the letter on my own time on my laptop at home and emailed it from there. Obviously, I could not leave work to get the laptop and send it from home in an hour.

Sincerely,

Christine Bowman

FINDINGS FOR APPROVAL
Use Permit Application No. PL-2003-0638
Eddy Reyes (Applicant)
Everett Eslinger, Sr. (Owner)
27655 Mission Boulevard

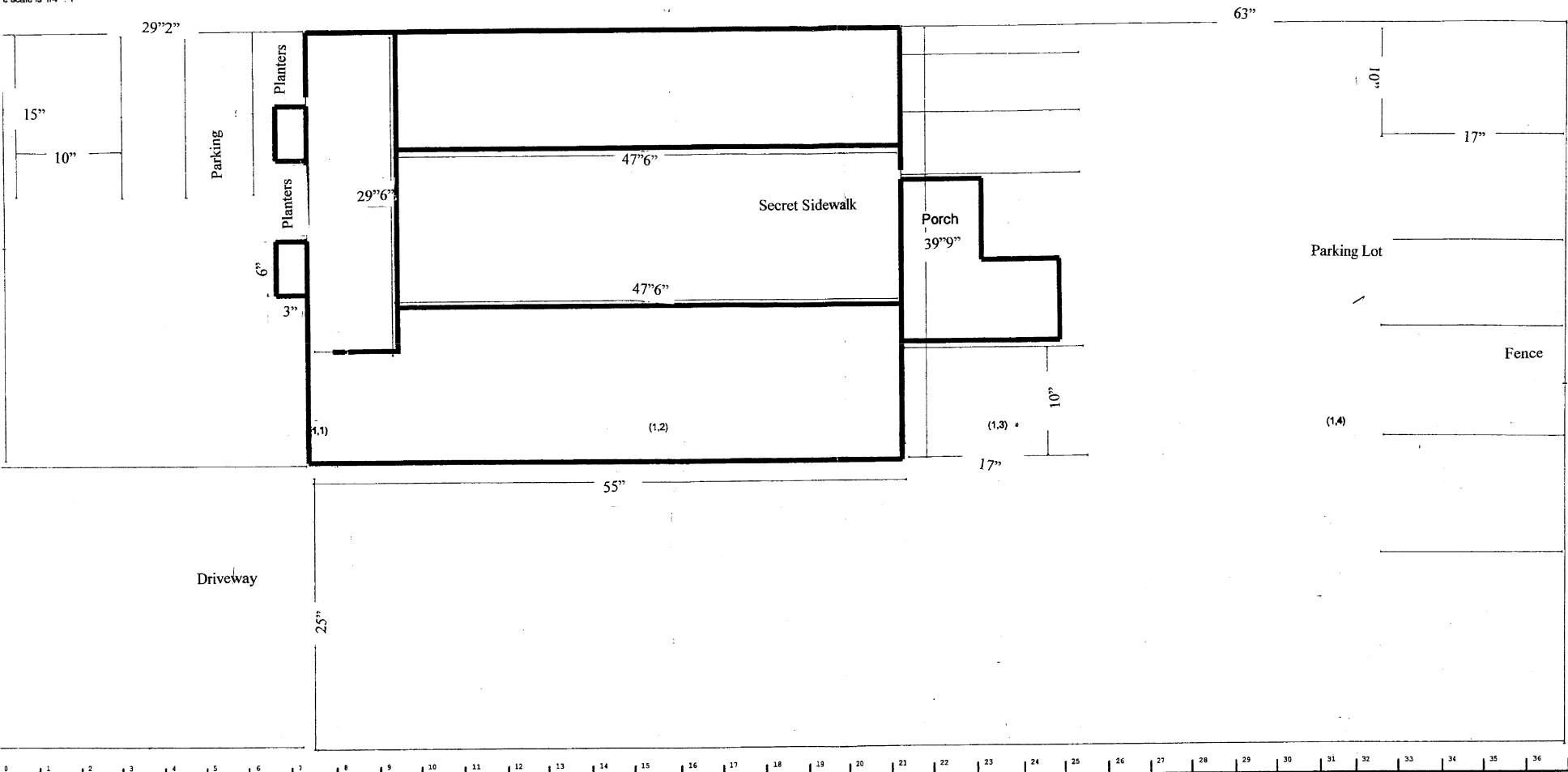
1. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*.
2. The tattoo parlor is desirable for the public convenience or welfare in that residents and customers with special cosmetic and skin decoration needs will be accommodated.
3. The tattoo parlor will not impair the character and integrity of the adjacent residential and commercial zoning districts in that the use will generate few vehicle trips per day and the building is small in area and can accommodate few customers at one time.
4. The tattoo parlor will not be detrimental to the public health, safety, or general welfare in that a qualified tattoo artist will observe sanitary and safe practices will operate the business. In addition, all needles will be disposed in an appropriate manner by a qualified medical wastes hauler as required by the Alameda County Department of Environmental Health.
5. The tattoo parlor will be in harmony with applicable City policies of the Mission-Garin Neighborhood Plan and the General Plan in that retail uses are encouraged within this section of the Mission Boulevard Corridor.

CONDITIONS OF APPROVAL
Use Permit Application No. PL-2003-0638
Eddy Reyes (Applicant)
Everett Eslinger, Sr. (Owner)
27655 Mission Boulevard

1. Use Permit Application No. PL-20013-0638 is approved subject to the conditions listed below. This approval is void one year after the effective date of approval unless the business has been established in accordance with these conditions of approval or unless an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. All conditions shall be met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior January 7, 2005.
2. The tattoo parlor shall observe appropriate sanitary practices include proper disposal of materials used during the tattoo process. In addition, the tattoo artist is required to meet all of the requirements of the County of Alameda Environmental Health Department, including registration as a tattoo artist and present evidence thereof to the City Of Hayward prior to onset of business.
3. The property owner shall submit a master sign program for the building. All wall signs require a permit prior to installation. Window signs shall not cover more than 25 percent of each window. The master sign program shall meet Sign Ordinance standards and be approved by the Planning Director. Signs shall be in accord with the City Of Hayward of Sign Regulations prior to occupancy of the building and onset of the business, including removal of the identification sign from the pole sign.
4. The property owner and applicant shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways and parking areas. The premises shall be kept clean and free of weeds, and prior to occupancy any weeds located along the base of the building on the north side shall be removed. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence. Prior to occupancy and onset of business, the front planters shall be replanted with plantings that meet with the approval of the City's Landscape Architect and, if space permits, a street tree with irrigation shall be installed to the satisfaction of the City's Landscape Architect.
5. The business hours shall be 12:30 pm to 10:00 pm. If the applicant wishes to extend business hours, the Planning Director shall review and act on any changes.
6. Post a sign at each entrance that states, "No Persons Under Age of 18 Years Permitted."
7. Post Penal Code 653 PL within unobstructed view to customers.

8. Post the business license and California Department of Health Certificate in clear unobstructed view to the public.
9. Post the appropriate health warning within the customer areas of the business.
10. Body piercings are prohibited unless a modification to the permit is approved.
11. Additional decorative light fixtures shall be installed on the driveway side of the building and in the rear. The light fixtures shall match the existing and maintain an average level of light of one foot-candle in the parking lot and lights shall be kept on during hours of business. The design of the fixtures shall be approved by the Planning Director prior to installation.
12. A trash enclosure is required to be provided to City of Hayward standards. The Solid Waste Manager shall determine the size of the trash and recyclables area and required containers. Submit a revised site plan that shows an elevation and the location of the trash enclosure. The Solid Waste Manager and the Planning Director shall approve trash enclosure design.
13. If the applicant wishes to do interior tenant improvements, plans shall be submitted to the City of Hayward Building Department for building permit review and approvals
14. If this is a building equipped with automatic fire sprinklers, and tenant improvements are performed, appropriate measures for altering the fire sprinkler system shall be submitted to the Fire Department for review and approval.
15. Portable fire extinguishers shall be installed within the tenant space. Minimum size and type of fire extinguisher shall be 5 lb., dry-chemical, with a rating of 2A:10BC. Fire extinguishers shall be installed in accessible locations as approved by the Fire Department.
16. The applicant is responsible for contacting the City of Hayward Hazardous Materials Office for further regulations on medical waste disposal laws, as they pertain to City, County and State regulations. Contact Hugh Murphy at (510) 583-4924.
17. A building (or tenant space) address shall be installed in a location on the front of the building so as to be visible from the street. Minimum size of numbers shall be 6 inches high on a contrasting background.
18. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

Scale is 1/4" = 1'



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Make it
11 x 17

The scale is 1/4" : 1'
27655 MISSION BLVD.

